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16 UNITED STATES BANKRUPTCY COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

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In re) CASE NO. 19-30089 (DM)
PACIFIC GAS AND ELECTRIC) Chapter 11
COMPANY,)
-and-) **TIGER NATURAL GAS, INC.'S
PACIFIC GAS AND ELECTRIC) MOTION TO FILE REDACTED
COMPANY,) PLEADINGS AND MOTION SEAL
Debtors.) TIGER'S MOTION TO ENFORCE
) SETTLEMENT AND SUPPORTING
) MATERIALS**
□ Affects PG&E Corporation)
■ Affects Pacific Gas and Electric)
Company)
□ Affects both Debtors)
*All papers shall be filed in the Lead Case,)
No. 19-30088 (DM))

1 Tiger Natural Gas, Inc. (“Tiger”), by and through its undersigned counsel, hereby submits
2 this motion (“Sealing Motion”) pursuant to sections 105(a) and 107(b) of title 11 of the United
3 States Code (the “Bankruptcy Code”), Rule 9018 of the Federal Rules of Bankruptcy Procedure
4 (the “Bankruptcy Rules”), Rule 1001-2(a) of the Bankruptcy Local Rules for the United States
5 District Court for the Northern District of California (the “Bankruptcy Local Rules”) and the New
6 District Wide Procedures for Electronically Filing Sealed and Redacted Documents adopted by
7 the United States Bankruptcy Court for the Northern District of California (the “Local
8 Procedures”) for entry of an order authorizing the sealing of Tiger’s Motion to Enforce Settlement
9 and the filing of the Motion to Enforce Settlement (Redacted).

10 In support of this Motion, Tiger submits the Declaration of Leah E. Capritta filed
11 contemporaneously herewith. The Motion to Enforce Settlement (Redacted) (the “Redacted
12 Motion”) is attached as Exhibit 1 with the supporting Declaration of Leah E. Capritta (Redacted)
13 and other materials (the “Redacted Declaration”) attached as Exhibit 2. A proposed form of order
14 granting the relief requested herein is attached as Exhibit 3.

15 **MEMORANDUM AND POINTS OF AUTHORITIES**

16 **I. JURISDICTION**

17 The Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334.
18 Venue is proper under 28 U.S.C. §§ 1408 and 1409. This Motion to Seal is a core proceeding under
19 28 U.S.C. § 157(b)(2).

20 **II. BACKGROUND**

21 On January 25, 2023, the Tiger filed a Motion to Enforce Settlement [Docket No. 13451]
22 (the “Motion”) together with the Declaration of Leah E. Capritta in Support of Motion and
23 accompanying Exhibits A-F [Docket No. 13451-1]. (Capritta Decl., ¶2.) The Motion asked the
24 Court to enforce the settlement with Debtor Pacific Gas & Electric Company (the “Utility”) further
25 to a stipulation on the record before the District Court. (*Id.*)

26 On or about February 1, 2023, PG&E Corporation and Pacific Gas & Electric Company
27 (collectively, the “Debtors”) conferred with Tiger regarding a potential resolution of the Motion
28 and, on February 3, 2023, Tiger filed a Notice of Continued Hearing, rescheduling the hearing on

1 the Motion to April 11, 2023 [Docket No. 13488]. (Capritta Decl., ¶3.) The parties soon thereafter
2 came to a resolution and agreed to a written form of settlement, which will include a confidentiality
3 provision. (*Id.*)

4 On February 2, 2023, Debtors requested that Tiger move to seal the Motion and, on
5 February 7, 2023, Debtors provided Tiger with the portions of the Motion they would like redacted.
6 (Capritta Decl., ¶4.) This includes:

- 7 • Motion, p. 3, lines 1-7, 11-12, 17-23 (settlement communications and terms);
- 8 • Motion, p. 4, lines 4-26 (settlement communications);
- 9 • Motion, p. 6, lines 19-20 (settlement terms);
- 10 • Motion, p. 7, lines 5-24 (settlement communications and terms);
- 11 • Motion, p. 8, lines 7-16, 21 (settlement communications and terms);
- 12 • Declaration, p. 2, line 25 through ECF p. 3, line 26 (settlement terms and
13 communications);
- 14 • Declaration, p. 4, lines 5-23 (settlement communications);
- 15 • Exhibit B - All (settlement communications);
- 16 • Exhibit C - All (UET settlement agreement);
- 17 • Exhibit D, p. 4, line 16 through p. 5, line 10 (settlement terms);
- 18 • Exhibit E - All (settlement communications);
- 19 • Exhibit F - All (draft settlement agreement).

20 Given that Tiger has no objection to Debtors' request, it moves the Court for this relief.

21 **III. BASIS FOR RELIEF REQUESTED**

22 Section 105(a) of the Bankruptcy Code allows a court to "issue any order . . . that is
23 necessary or appropriate to carry out the provisions of the title." 11 U.S.C. § 105(a). Section 107(b)
24 further provides that a court may "protect any entity with respect to a trade secret or confidential
25 research, development, or commercial information." 11 U.S.C. § 107(b). To seek protection under
26 107(b), a party only needs to show "that the information it [seeks] to seal [is] 'confidential' and
27 'commercial' in nature." *Video Software Dealers Ass'n v. Orion Pictures Corp.*, 21 F.3d 24, 27
(2d Cir. 1994).

28 The Bankruptcy Rules similarly authorize the Court to "make any order which justice
29 requires (1) to protect the estate or any entity in respect of a trade secret or other confidential
30 research, development, or commercial information." Bankruptcy Rule 9018. Finally, the New
31 District Wide Procedures for Electronically Filing Sealed and Redacted Documents require that a
32 request for seal is narrowly tailored to sealable materials.

Tiger asks the Court to seal the Motion and the Declaration and its seeks leave to file the Redacted Motion and Redacted Declaration and Exhibits lieu thereof. Because parties' written agreement, once executed, contains a confidentiality provision information, the redacted materials will likely fall under its aegis, and therefore this Court should grant Tiger's request.

IV. NOTICE

Notice of this motion is being provided in accordance with the Second Amended Order Implementing Certain Notice and Case Management Procedures, entered on May 14, 2019 [Docket No. 1996].

WHEREFORE, Tiger respectfully requests that the Court grant this Motion, by: (1) Ordering the Motion to Enforce and the Declaration to be sealed; and (2) permitting the filing of the Redacted Motion and Redacted Declaration and other materials (Exhibits 1 and 2 hereto).

DATED: February 10, 2023.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: /s/ Leah E. Capritta
Leah E. Capritta